

Golestani 3

from setting ν , at some level is only relative. If all sessions are assigned a large ν , the congestion measures γ , will increase until every body is cut back to the proper usage level.

IN THE CLAIMS:

Please amend the claims below to read as follows:

23. The method of claim 1 where said incoming traffic comprises packets where a subset of said packets traverse a first subset of links of said network, remaining packets of said incoming traffic traverse a second subset of links, and said first subset and second subset are mutually exclusive.

34. The method of claim 25 where said step of evaluating said session congestion measure equates said session congestion measure to the value of said at least one congestion field of a received probe packet.

REMARKS

Claim 34 was rejected under 35 USC 112, second paragraph, as being indefinite, because the "at least one congestion field" lacks proper antecedent basis. The claim is amended herein to have it dependent on claim 25 rather than on claim 1, thereby removing the antecedence problem.

Claims 1, 5-8, 23, 25-27, 31-32 and 34 were rejected under 35 USC 102 as being anticipated by Afek et al, US Patent 5,748,901. Applicant respectfully traverses.

The basic idea of the Afek et al algorithm is to keep a certain portion of the link capacity unused. Therefore, all calculations that are actually disclosed by Afek et al are performed on a link basis and, by implication, are performed in each network switch or router.

The spare capacity of a link is maintained by limiting the rates of sessions sharing the link in accordance with the unused capacity on the link. The unused capacity of a link is defined as the capacity of the link, minus the amount of data that arrives at the output queue of the link within a fixed time interval, τ . There is a ceiling on this computed spare